

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

v.

20-mj-1010

BRANDON KIDDER,

Defendant.

ORDER FOR PSYCHIATRIC EXAMINATION

On March 6, 2020, March 10, 2020, and March 13, 2020, there appeared before this Court Assistant United States Attorney Caitlin M. Higgins¹ and Michael Zosh, Esq., on behalf of the defendant, for a detention hearing and status conference. At that time, the defense moved for a competency evaluation and notified the Court and the government of its intention to assert a defense of insanity at the time of the alleged offense. Thereafter, the government moved pursuant to Title 18, United States Code, Section 4241(a) and (b), for a hearing to determine the mental competency of the defendant, and requested that the Court order that a psychiatric examination be conducted to assist the Court in determining whether the defendant is competent to stand trial. The government additionally moved pursuant to Title 18, United States Code, Section 4242(a), to have the defendant evaluated for a determination of the existence of any insanity or mental defect at the time of the offense.

¹ The undersigned Assistant United States Attorney appeared by telephone during the March 13, 2020 conference.

Pursuant to 18 U.S.C. § 4241(a), the Court finds there is reasonable cause to believe that the defendant may presently be suffering from a mental disease or defect rendering him mentally incompetent to the extent that he is unable to understand the nature and consequences of the proceedings against him or to assist properly in his defense. Accordingly, it is hereby

ORDERED, that pursuant to 18 U.S.C. § 4247(b) the defendant, BRANDON KIDDER, shall be committed to the custody of the Attorney General for the purpose of examination, pursuant to 18 U.S.C. §§ 4241 and 4242, at a suitable facility for such reasonable period not to exceed forty-five (45) days as may be necessary to conduct such an examination; and it is further

ORDERED, that pursuant to 18 U.S.C. § 4247(c), a psychiatric or psychological report be prepared by the examiner and filed with the Court, with copies provided to counsel for the defendant and the government and that this report shall include:

1. the defendant's history and present symptoms;
2. a description of the psychiatric, psychological, and medical tests that were employed and their results;
3. the name of the examiner(s) and his/her/their qualifications and their findings as to competency to proceed and the existence of insanity at the time of the offense;
4. the examiner's opinions as to diagnosis, prognosis, and:
 - a. whether the defendant is suffering from a mental disease or defect rendering him mentally incompetent to the extent that he is unable to understand the nature and consequences of the proceedings against him or to assist properly in his defense;

- b. whether the defendant was unable to appreciate the nature and quality of the wrongfulness of his acts because of a severe mental disease or defect at the time of the offense; and it is further

ORDERED, that the U.S. Marshal shall promptly and expeditiously deliver the said defendant to the facility designated by the Attorney General and return him promptly upon the completion of the examination; and it is further

ORDERED, that all other proceedings in this case are stayed pending the resolution of defendant's competency.

DATED: Buffalo, New York, March 17, 2020.


HONORABLE JEREMIAH J. MCCARTHY
UNITED STATES MAGISTRATE JUDGE